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March 23, 2022

**BY ECF**

Honorable Colleen McMahon  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: United States v. Malik Sanchez,**  
**21 Cr. 269 (CM)**

Dear Judge McMahon:

This is a Pretrial success story. A year ago, then-19-year-old Malik Sanchez had dropped out of school and was careening out of control. He was in a mental state where he thought it would be entertaining to livestream himself pretending like he was going to set off a bomb at a Manhattan restaurant. But Malik's federal arrest for that offense proved an important turning point for him. He spent 23 days in jail and then nine months on home confinement and off the internet. Malik used that time and mental space to reset his life. Now Malik has earned his GED, is productively engaged in a paid internship, and is planning for his future.

The Court should sentence Malik to time served and a period of supervised release.

**Background**

Still only 20 years old, Malik Sanchez was born and raised in Manhattan, where he continues to reside with his mother and maternal grandmother. (Malik's father separated from Malik's mother when Malik was about four years old.) As detailed in the many appended letters of support, Malik is a kind, considerate, intelligent, respectful, and loving person. See Exhibits A–G (letters of family and friends).

Malik struggled in school because of his diagnosed ADHD; he was “hyper” and had trouble focusing in class, which made him the target of bullying and caused behavioral issues. He was held back twice and ultimately dropped out of school in ninth grade, when he was 16 or 17 years old, in the fall of 2019. Malik's mother

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sought mental health care for Malik and planned to get him back into school as soon as possible.

Then the pandemic hit, upending Malik's treatment and his family's plans. Malik's mother, Nathali Chamba, writes:

It was hard to find functioning programs during Covid, and the virtual learning set-ups were not compatible with his learning difficulties. He was very discouraged, spending a lot of time indoors, and increasingly spending time on the computer. I was worried about him and didn't understand why he spent so long watching videos each day, but I had no idea how serious it was until his arrest in this case.

Ex. A at 1. Malik's beloved maternal grandfather—Santiago Chamba, a role model and father figure—died in September 2020 after an illness that Malik witnessed up close, accompanying his grandfather to dialysis appointments. Two months later Malik's paternal grandfather died, and then his maternal great-grandmother died as well—all in middle of an isolating pandemic. It took a toll on Malik's mental health.

In the long hours that Malik spent seeking social connection online, he became immersed in toxic internet subcultures. He began livestreaming immature and sometimes illegal stunts on YouTube for "likes" and donations. Encouraged by online strangers who did not have Malik's best interests at heart, Malik went to greater and greater lengths to generate shocking "content" for his YouTube audience; he used offensive language, engaged in confrontations with pepper spray, and ultimately walked up to outdoor diners at a restaurant and pretended to the he was going to detonate a bomb.

Malik was arrested for the bomb hoax on April 14, 2021. He was held in custody for 23 days following presentment before being released on bail by this Court. The Court set stringent bail conditions including home confinement, mental-health counseling, and a prohibition on using the internet except for communications with counsel, mental-health providers, and Pretrial Services. As the Court explained, "Mr. Sanchez, . . . I'm letting you go home, but home really is jail, and I mean it." May 6, 2021 Tr. 30. Malik remained on home confinement for nine months, until the Court moved him to a curfew on February 10, 2022, in light of his compliance with supervision and Pretrial Services' consent.

Malik's progress while on bail in this case has been nothing short of exceptional. He has transformed himself for the better, so completely that it surprised even his mother. See Ex. A at 2 ("Since his arrest, there are times I don't even recognize Malik. The changes came at a price, but I'm so grateful they got us

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to where we are now.”) Malik did not just comply with Pretrial supervision; he reflected on his offense and identified changes he wanted to make in his life:

Initially, Malik thought about the actions he took as a prank. However, after several conversations with him, Malik understands the severity of his actions. He has expressed how deeply remorseful he is about the actions he took. Malik has realized that his actions not only affected him and the people he harassed, but his family and loved ones as well. Malik conveyed that he would [like] to improve in his behaviors and make changes in his life.

**Exhibit H** (Puerto Rican Family Institute letter). Malik is deeply grateful to the Court for setting bail conditions that provided him with both the opportunity and the structure to change his life.

Malik seized the opportunity that the Court gave him and took concrete steps to better himself, engaging in programming at Exalt Youth and Opportunities for a Better Tomorrow (“OBT”) on his own initiative. He excelled in both programs. See Exhibits I–J (OBT program letters), **Exhibit K–L** (OBT teacher letters); **Exhibit M** (Exalt program letter). Malik obtained his National Retain Federal certification and committed himself to earning his GED. He passed four of five subject examinations in December 2021, failing only math. In response, Malik redoubled his math studies and began attending extra classes. His efforts paid off in February 2022, when he passed the math exam and earned his GED.

At the same time, Malik worked to improve his physical and mental health. He engaged in mental health counseling and got exercise on home confinement by running each day from his home in Manhattan to OBT in Sunset Park, Brooklyn. With the Court’s permission, he ran the Abbot Dash to the Finish Line 5K during the New York Marathon.

Malik is currently engaged in a paid internship at OBT. Program staff laud him as “a great asset. . . . articulate, detail oriented and optimistic about life.” Ex. I. They love his “positive attitude” and the encouragement he offers to others. Id.

Now Malik is planning for his future. With the encouragement of one of his OBT teachers, see Ex. L, Malik is talking with a military recruiter about enlisting to serve his country and further his education. In the meantime, he is pursuing his driver’s license and OSHA certifications and hopes to find work in construction or sanitation after his internship.

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### **The Appropriate Sentence**

We join the Probation Office in requesting a sentence of time served.<sup>1</sup> The 23 days that Malik spent in custody and the nine months he spent on home confinement are more than sufficient to comply with the purposes of sentencing under 18 U.S.C. § 3553(a). Returning him to jail would be greater than necessary.

“[T]he nature of circumstances of the offense,” § 3553(a)(1), are mitigating in that the offense was a puerile hoax, not a serious bomb threat. The offense is further mitigated by Malik’s personal “history and characteristics,” *id.*, especially his youth. The Supreme Court has time and again recognized “the mitigating qualities of youth” to be considered at sentencing. *Miller v. Alabama*, 567 U.S. 460, 476 (2012). In particular, the Court has noted that young persons have “diminished culpability and heightened capacity for change.” *Id.* at 479.<sup>2</sup> Malik—who had recently turned 19 at the time of his offense—exhibits both qualities in abundance. His offense bespeaks “immaturity, recklessness, and impetuosity,” while his dramatic rehabilitation on Pretrial supervision demonstrates his capacity for change. *See id.* at 472–73.

With respect to the purposes of sentencing, § 3553(a)(2), Malik has already been effectively punished and deterred. This case represents his first felony conviction, which carries with it life-altering collateral consequences. *See generally United States v. Nesbeth*, 188 F. Supp.3d 179, 182 (E.D.N.Y. 2016) (“Today, the collateral consequences of a felony conviction form a new civil death. Convicted felons now suffer restrictions in broad ranging aspects of life that touch upon economic, political, and social rights.”). The weeks Malik spent in jail and the months he spent on home confinement represent an especially significant sanction for Malik because this is the first time he has been subject to such restraints on his liberty. *See, e.g., United States v. Mishoe*, 241 F.3d 214, 220 (2d Cir. 2001) (recognizing in the context of the career offender guideline that the amount of prior prison time is relevant to determining the deterrent effect of the sentence to be imposed). Returning Malik to prison would interrupt and hamper the rehabilitative progress that he was worked so hard to achieve.

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<sup>1</sup> We do not, however, join Probation’s recommendation of the maximum three-year period of supervision, which would unduly delay Malik’s entry into the military, and we oppose its recommendation that a fine be imposed.

<sup>2</sup> Although *Miller* was addressed to juveniles, its discussion applies equally to young adults. The National Institute of Justice (“NIJ”), the research, development and evaluation agency of the U.S. Department of Justice, has conducted research on juvenile and young adult offenders and concluded that “young adult offenders ages 18–24 are more similar to juveniles with respect to their offending, maturation and life circumstances.” *See* NIJ, *From Juvenile Delinquency to Young Adult Offending* (2014), available at <https://nij.ojp.gov/topics/articles/juvenile-delinquency-young-adult-offending>.

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Finally, even the Guidelines support a time-served sentence in this case. See § 3553(a)(4). The government and the Probation Office calculate an advisory Guidelines range of 8–14 months, based on a total offense level of 10 and a criminal history category of II. The defense calculates a lower advisory Guidelines range of 6–12 months, based the same total offense level but a criminal history category of I, because the disorderly-conduct conviction reflected in PSR ¶ 28 is not “similar” to the instant offense within the meaning of U.S.S.G. § 4A1.2(c)(1)(B). See § 4A1.2 App. Note 12 (discussing factors for consideration in deciding whether offenses are similar). In any event, both ranges are within Zone B of the Guidelines sentencing table. In Zone B, the Guidelines provide that the minimum term may be satisfied by one month of imprisonment and the balance of the term on home detention. U.S.S.G. § 5C1.1(c)(2). Malik’s 23 days in jail and nine months on home confinement effectively satisfy the minimum term of either advisory Guidelines range.

### **Conclusion**

The Court took a chance on Malik when it released him on bail. Malik has honored the Court’s trust with his compliance, effort, and progress. He has demonstrated that additional jail time is not necessary to punish, deter, incapacitate, or rehabilitate him. Time served and a period of supervised release is sufficient.

Respectfully submitted,

/s/  
Clay H. Kaminsky  
Assistant Federal Defender  
(212) 417-8749

cc: AUSA Kaylan Lasky

# EXHIBIT A

Nathali Chamba

[REDACTED] 2  
New York, N.Y. [REDACTED]  
[REDACTED]

January 31, 2022

The Honorable Judge Colleen McMahon,

My name is Nathali Chamba. I'm writing on behalf of my son Malik Sanchez. He has lived with me and my mother his entire life. Malik has been through a lot of challenges in his life. He has known his father but never had the full support and commitment from him that a child should have. Malik's father moved out when Malik was only four years old. I have supported Malik alone in our difficult moments. I didn't always know how to handle situations with Malik. I did my best but could not always find the right advice or approach. His little sister was born in 2006, so I've had to take care of both on my own. In 2009, I was diagnosed with [REDACTED]. My diagnosis gave Malik a sense of uncertainty and instability. I always assure him when I get a relapse, I will always keep moving forward. I try my best to keep up with his needs.

School has always been a struggle for Malik. He was diagnosed with ADHD in elementary school and had a very hard time focusing in class. As a result, he was held back in the 5th grade. I tried to have him in sports and activities, like the soccer team. They helped manage his hyperactivity and mood. He attended Global Tech middle school in Harlem for 6th grade. His experience there was not positive. He was exposed to a lot of fighting and experienced a lot of bullying and intimidation. This, combined with an arm injury that made it impossible for him to continue team sports, made school impossible for Malik. I removed Malik from that school to try to homeschool him for his 7th grade year. I placed him in top honors math tutoring and any other activity to keep him busy. After some time, I was not able to continue work, homeschooling, and care for my family. He then attended Shuang Wen for his 8th grade.

Unfortunately, his issues in regular school continued and he left high school in the 9th grade. [REDACTED]

[REDACTED] Malik's  
preteen and teenage years were full of instability.

We were both committed to getting Malik back into school programming, but then the pandemic hit. It was hard to find functioning programs during Covid, and the virtual learning set-ups were not compatible with his learning difficulties. He was very discouraged, spending a lot of time indoors, and increasingly spending time on the computer. I was worried about him and didn't understand why he spent so long watching videos each day, but I had no idea how serious it was until his arrest in this case.

Malik also suffered family losses during the pandemic. My father, Santiago Chamba, passed away on September 28, 2020. They were very close, as he's lived right nearby for Malik's entire life. They spent so much time talking about Malik's interests like soccer and my father's life in Ecuador. He was the best paternal figure Malik had. Two months later, Malik's other grandfather died. Then, so did his great-grandmother. The losses really hit him, for a while it was funeral after funeral. He was very young to experience so much sickness and death. Especially with his grandfather, who had been going through



dialysis, Malik saw up close his condition deteriorate. He saw for the first time that was how life ended. With our family losses, the world shut down, and no school programming to keep him busy, Malik continued retreating into himself.

Since his arrest, there are times I don't even recognize Malik. The changes came at a price, but I'm so grateful they got us to where we are now. And I am so grateful to Your Honor for granting him bail and allowing him to be on house arrest last spring. Since he was released, he decided to go to Exalt for guidance to give his life some structure. Exalt referred him to attend OBT school in Brooklyn. He obtained his NRF certificate (National Retail Federation). He's close to obtaining his GED, and already passed 4 out of 5 subjects. He is so excited about school. During his Christmas break, all he could talk about was how he was ready for school to come back. When he gets home from classes in the evening, he pulls out his backpack to show me the new books he got that day. It's like he's a whole different kid.

Malik's also continued to show how much family means to him. Malik is very present and involved with his grandmother Carmen Alvarado. My mother got Covid-19 and then pneumonia in August 2021. Malik was attentive to his grandmother's needs. He was involved in her recovery, he helped her with the oxygen machine and set up a healthy food regime to build her immune system back up again.

Finally, Malik has gained an interest in long-distance running. He participated in the Abbott 5K in November. His father and I were at the end of the race congratulating him on finishing the race. He got a big sense of accomplishment from reaching that goal, and we were so proud of him.

When we talk, Malik always expresses remorse for his past decision making. He has been attending therapy which I believe is important to his wellbeing. As a mother, I could not be prouder of the progress he has made this past year. I love him fiercely and will continue to support him in attaining his goals he sets up for his future. I wholeheartedly believe in his ability to stay on the right path moving forward.

Sincerely,

Nathali Chamba



# EXHIBIT B

Carmen Alvarado

[REDACTED]  
N.Y.C, N.Y  
[REDACTED]

December 6, 2021

**To The Honorable Judge Colleen McMahon**

I'm writing this letter in support of my grandson, Malik Sanchez. My name is Carmen Alvarado. I have resided at [REDACTED] for over 45 years. I was born and raised in Puerto Rico. I came here at the young age of 18. I look back at my life and think how I was only able to accomplish my goals because I had help and support from my family. I vow to do the same for my family members. Malik is a young man hoping to better himself. He has always been by my side. He has shown me compassion and care. My grandson has matured through difficult times. He had to see his grandfather, my husband, pass away during a pandemic. He had to deal with so many emotions in a time of uncertainty.

I got Covid-19 in August 2021. Malik was so caring towards me. He always checked on me, while trying to be socially distanced. He would remind me to eat, even though I didn't want to, so I could take my medicine. I had to be hospitalized. Upon my return he continued to assist me in my recovery from pneumonia due to Covid-19.

I'm so happy he has made the decision to attend school. He attends OBT in Brooklyn. They are so supportive of him. He is doing his best to accomplish new goals he has set for himself. I am very proud of my grandson.

Sincerely,

Carmen Alvarado

# EXHIBIT C

Jorge Sanchez

[REDACTED]  
N.Y.C, N.Y [REDACTED]

**1-9-2022**

**The Honorable Judge Colleen McMahon,**

My name is Jorge Sanchez. I am writing this in support of my son, Malik Sanchez. During his time on house arrest, Malik has made a lot of progress. He has expressed that he would like to get his GED. He is actively trying and close to reaching his goal. Malik is very engaged at school. He studies for his GED outside of school as well. This engagement and ambition is something Malik has not shown in school previously. With this new mindset, he has become more helpful and productive. He was given an opportunity to shovel snow by Exalt (the program he is a part of). It was a nice way for him to give back to the community.

Malik is remorseful and he has recognized the immensity of his actions. He is focused on moving in the right direction. I am proud of his self-motivation.

Sincerely,

Jorge Sanchez

[REDACTED]

# EXHIBIT D

Luis Sanchez

Warwick, NY

The Honorable Colleen McMahon  
United States District Court  
500 Pearl Street  
New York, NY 10007

December 6, 2021

Dear Judge McMahon:

My name is Luis Sanchez and I am the paternal uncle of Malik Sanchez. I understand the reason I am writing this letter is because my nephew got himself into trouble. Despite the reasons for his current circumstances, I truly believe Malik is a considerate, kind, and loving person. When not trying to impress or follow the crowd, he has heaps of potential.

There was a time in my life when I was unemployed and because Malik lived on the floor below me, I had an opportunity to really bond with my nephew. I was able to check in on him while his parents worked. I helped to follow up with him as he was being homeschooled. I was going through a difficult time myself and Malik was the one who encouraged me through it. He lifted me up when I was down. I'll never forget those times and will always cherish the moments of closeness we shared. It was during that time when Malik shared emotions he was feeling, anxieties he was carrying, and hurts he faced due to the bullying he experienced in the public school system. We were able to be there for one another at a time when it felt like we were alone.

Given my own personal life experiences, I truly believe in second chances. I very well may have been in the position Malik is in had I not realized the path I was headed down. If not for the people in my corner encouraging and supporting me, who knows where I'd be? Malik has those same people in his corner. This poor choice he made shouldn't determine the trajectory of the rest of his life. I believe he desires real change and wants to be his best self going forward.

Often, I try to have motivational conversations with Malik when he seems to need encouragement. Malik has been very receptive to these conversations and has acknowledged that God can truly help him be who he was intended to be. He knows that with God all things are possible.

Malik is currently enrolled at OBT (Opportunity for a Better Tomorrow), and he is doing quite well. It's a school for young adults who were not successful in regular school. He's been given the opportunity to earn his GED as well as special skills certificates. Malik is really enjoying the school

and teachers there. He is grateful for the opportunity to right his wrong and to push forward knowing that he can still make something of himself and become an asset to society.

On another note, Malik has been jogging to school which is great for mental health, concentration, and releases endorphins. I think these jogs to school allow him to better focus and have given him clarity of mind. He also ran in the NYC Abbott Dash 5K on November 6th of this year. This gave Malik a great sense of accomplishment and pride. In recent conversations with his father, I learned Malik is considering joining the military upon completion of his GED. I know this will certainly boost his confidence and will help mold him into the man we all know he can be.

I truly believe if given the opportunity, Malik will make us all proud. While this may have been a rough bump in the road— a hard lesson he's had to learn — as someone who's been given a second chance, I know Malik will make the most of what lies ahead of him, and I trust great things will come of his life in the years ahead.

Respectfully,

Luis Sanchez



# EXHIBIT E

Roxana Hardy

[REDACTED]  
Holly Springs, NC [REDACTED]  
[REDACTED]

December 5, 2021

United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Dear Judge McMahon:

I have known Malik Sanchez since he was in my best friend's womb. We may not be blood-related, but the bond we have is out of love and sisterhood. Since third grade, Nathali and I have known each other. I met Jorge when he began dating Nathali and was honored to attend their wedding in 2000. Malik was born at Beth Israel on [REDACTED] 2001, to both loving parents. I remember that day because I visited Nathali and Jorge when I finished my shift at Mount Sinai Hospital. I said to the proud parents, "God bless Malik; he will grow up to do great things in life."

During our friendship, I have known Malik in many capacities. He participated in soccer as a child until he injured his hand during a game. He has had an excellent relationship with his grandparents. Sadly, his grandfather passed away on September 28, 2020, which took a toll on his personal life as a young man finding himself. Now Malik focuses on not losing his grandmother and taking good care of her during a severe COVID-19 hospitalization. His compassionate assistance to her well-being goes beyond checking in on her. He aids her with nutritious meals and exercises with his grandmother daily.

I trust that Malik can handle any situation with thoughtfulness and maturity through life. I am so proud of Malik for being determined to discover from mistakes that life can change when making positive choices. He is a brilliant, competent, and personable young man who has dedicated his life to directing it on the right path. He is involved with OBT – Opportunity for Better Tomorrow School – to obtain his GED and skills towards a trade for certification. Another program called Exalt gives him the chance to understand life choices and better outcomes. He seeks therapy once a week too. Remarkably on November 6, 2021, he participated in a 5K NYC Abbott Dash Run. He felt a sense of relief and accomplishment that you can achieve anything when you set your mind to it.

Please do not hesitate if you have any further questions; you can reach me at [REDACTED].

Best Regards,

Roxana Hardy

# EXHIBIT F

Edna Torres

[REDACTED]

Brooklyn, N.Y. [REDACTED]

December 23, 2021

The Honorable Judge Colleen McMahon,

My name is Edna Torres. I have known Malik Sanchez his whole life. I've known his family for the past 35 years. I consider him family. I have had the honor of spending holidays with him and his family. Malik has always shown a desire to assist others. He has always been respectful. I remember the time he helped a cousin of mine who was in need. He was kind enough to deliver house supplies, clothes and toys to them along with his mother. Whenever I see Malik, I can tell that he has a different outlook than he did a few years ago. He keeps himself busy. At school, he received a NRF certificate (National Retail Federation). This certificate was offered by his school. He saw the NRF as a tool that may be useful in the future.

I know Malik will continue to make the most of every opportunity that is given to him to better himself.

Yours sincerely,

Edna Torres

[REDACTED]

[REDACTED]

# EXHIBIT G

Angie Rodriguez

[REDACTED]

Staten Island, NY [REDACTED]

[REDACTED]

1/10/2022

To The Honorable Judge McMahon:

My name is Angie Rodriguez. I have known Malik Sanchez his entire life. I am a very close family friend and consider Malik a nephew. This is the reason why I am more than willing to write this letter of reference for him. Malik growing up was always a very kind, caring young man. He truly has good a heart and is surrounded by a very loving and supportive family.

Malik has been concentrating on school and focused on his future. Even through Covid and all the challenges it brings, Malik makes sure he attends school. He has looked to keep himself busy in positive ways, from looking for work opportunities such as shoveling snow this past weekend to focusing on his running which has become a passion of his. These are great examples of how he is able to motivate himself and focus on moving forward to better himself.

It is my sincere hope that the court takes this letter into consideration and is able to see the Malik that I know: a kind, honorable and overall good human being.

Sincerely,

Angie Rodriguez

# EXHIBIT H



Dear Judge Collen McMahon,

I am Malik's care coordinator from the Puerto Rican Family Institute. The Puerto Rican Family Institute is a program that helps manage all the care and services that Malik may need. As a care coordinator, I assist Malik in creating a plan of care that meets his physical, mental health, and social needs. I have been his care coordinator for over a year. During this time, I have worked closely with Malik and his family in linking him to health and social services in relations to his overall success in the community. Malik has been diagnosed with ADHD [REDACTED]. Malik currently seeks mental health services at St. Marks Place.

The year 2020 was a difficult time where everyone had to adjust to many social changes, excessively monitor their health and the health of our loved ones. Malik's grandfather passed away last year. Malik was very close with his grandfather and his passing took a huge toll on Malik. A few months later, Malik lost another family member. Dealing with all the social changes, and now the death of his family member made things even more difficult for Malik.

Initially, Malik thought about the actions he took as a prank. However, after several conversations with him, Malik understands the severity of his actions. He has expressed how deeply remorseful he is about the actions he took. Malik has realized that his actions not only affected him and the people he harassed, but his family and loved ones as well. Malik conveyed that he would to improve in his behaviors and make changes in his life. Since then, Malik has resumed his educational studies by taking courses to complete his GED. He has been doing very well academically. Malik stated interest in computer coding and hopes to pursue this after his case. Malik continues to intern at Exalt. Malik and I also have been working closely in applying to jobs. He is also compliant with mental health services.

Sincerely,

Khedidja Guillaume

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

# EXHIBIT I

February 2, 2022

To Judge Colleen McMahon:

I am writing to you on behalf of Malik Sanchez (DOB [REDACTED] 2001). My name is Sarah Whitman-Salkin, and I am a licensed social worker and Malik's counselor at Opportunities for a Better Tomorrow (OBT).

Malik has been enrolled in the Train & Earn program at OBT since September 13, 2021. The Train & Earn program is a work readiness program that also incorporates TASC exam preparation courses for students who are in need of their high school equivalency diploma. Malik has been an exemplary participant in our program. As a result of his hard work, focus, and commitment to self-improvement, I am confident that he will be able to obtain his high school equivalency diploma, find meaningful employment, and build a sustainable life for himself in the future.

During his time at OBT, Malik has made great strides and has been a model program participant. He has successfully completed his Work Readiness and Occupational Skills courses, earned a Customer Service and Sales Credential from the National Retail Federation, passed four of the five subjects on the TASC High School Equivalency exam, and is thriving in a paid internship. These are huge accomplishments, and are the result of Malik's hard work, dedication, commitment, and motivation to improve himself.

In his classes, Malik has demonstrated excellent attendance, active participation, timely completion of his assignments, and a positive attitude—and has been one of the top three performing students in his cohort every month he has been in the program. Malik is eager to improve himself and this is evident in his engaged behavior in class, his willingness to ask for help when he needs it, and his ability to incorporate feedback from his teachers and counselor. According to his teachers, "Malik is very active in class and asks relevant questions," is "actively engaged with the material," and is "trying hard." One instructor noted that "the progress I have seen certainly is evidence that this client can be successful in any test-taking arena including the college classroom." Malik has made gains in all his classes.

In December 2021, Malik took the TASC High School Equivalency exam. Malik tested in all five subjects—Reading, Writing, Science, Social Studies, and Math—and passed all but the Math portion of the test. This success motivated him to increase his efforts in his math studies, and he has been attending extra sessions with his math instructor, studying when he is not in class, and advocated for OBT to provide him with an in-person math tutor, which we did. He is currently studying for math for a minimum of an hour a day, and on many days up to three hours per day. In 2022 the New York State Education Department replaced the TASC exam with the GED, and at this time has not informed OBT or the DOE when GED test dates will become available to students. As a result, we have not been able to schedule Malik for the Math subject test on the GED—but as soon as test dates become available, Malik will be a priority student and we will arrange for him to test as soon as possible.

As Malik's counselor, I have had many opportunities to meet with Malik one-on-one. In our conversations, Malik has demonstrated excellent communication skills, thoughtful self-reflection and self-awareness, respect, and a desire to grow and change into the kind of person he wants to



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be. He is confident, resourceful, and proactive, which can be seen in his willingness to ask for help when he needs it and in the strong rapport he has built with his teachers and his peers. Malik is committed to self-improvement, whether through studying to earn his diploma, reading self-help books, or reflecting on the positive growth that he has achieved. Malik consistently takes responsibility for his actions, including the actions that led to his arrest, and speaks often about the remorse he feels for his actions when he was younger and the ways he has matured and changed since those events. He is eager to share the lessons that he has learned and he often speaks about how his thinking has evolved over the last few years, specifically in terms of ideas about “toxic masculinity,” the role that culture plays in shaping social roles, and the importance of treating others with kindness and respect. Malik no longer sees himself as a lone individual, and regularly acknowledges the importance of having supportive people in his life, including his mother and his deceased grandfather, his counselors at Exalt, his lawyers, and OBT staff. Though Malik is currently facing many stressors, he maintains a positive attitude and is respectful, gracious, and full of good humor. Malik is highly motivated to obtain his high school equivalency diploma, find a job, and create an independent life for himself, and I know that he is on track to achieve these goals.

Malik is now participating a 175-hour internship, being paid \$15 per hour. Given his strong relationships with OBT staff, his success in the Train & Earn program, and his familiarity with our site, Jessica Cuttone, Program Director, has arranged for Malik to have his internship at the OBT office in Sunset Park, Brooklyn. Some of the responsibilities that he has in this position include assisting with clerical work, assisting students individually and in small group settings in the classroom, and participating in weekly meetings with his instructor to review weekly goals. Malik’s internship engagement began January 18, 2022, with pre-internship education to prepare him for success in his new role. On February 7, 2022, Malik will begin his active internship at OBT and will be working 25 hours per week, M-F. I anticipate that in this role, Malik will be a valuable source of support for other students in the program, as he is a natural leader and has a strong desire to use his leadership and interpersonal skills in a productive, positive way. Our team is confident that Malik will excel in this position and make the most of this opportunity.

In summary, the OBT staff—including teachers, administrators, office managers, and counselors—have all greatly appreciated having Malik in our program. Though Malik has made poor choices in the past, he is actively working to improve himself personally, educationally, and professionally. He is motivated and ambitious in pursuit of his goal of living an independent, sustainable, meaningful life, and given his successes so far we are confident that with continued support Malik will continue to thrive.

If you have any questions, please feel free to reach out to me at [REDACTED] or at [REDACTED] or Jessica Cuttone at [REDACTED] or [REDACTED].

Sincerely,

Sarah Whitman-Salkin, LMSW  
Social Work Counselor

Jessica Cuttone  
Program Director, Sunset Park

# EXHIBIT J

March 21, 2022

To Judge Colleen McMahon:

I am writing to you on behalf of Malik Sanchez (DOB [REDACTED] 2001). My name is Jessica Cuttone and I am the Director of Youth Programs at Opportunities for a Better Tomorrow (OBT).

Malik has been enrolled in the Train & Earn program at OBT since September 13, 2021. Since that time and since the last letter written by a member of this organization roughly one month ago, Malik has accomplished so much. As you may recall, Malik first took the GED exam back in December and on just his first attempt, was able to pass all but one subject area. He understood that he had to spend his time preparing for the math portion in order to secure his diploma. His math teacher offered this about Malik:

*Malik took the TASC exam in December to earn his HSE diploma. Although he was disappointed in not passing the math subtest, he stayed positive and persistent. We discussed that he had tested before being exposed to all the content so, having failed by so few points, he could definitely be ready once a GED test date could be arranged. So, he started attending another group's math sessions to help him review materials as well as attending his regularly scheduled math sessions where he continued to learn new material. He also requested some 1-1 math tutoring sessions. Malik should be very proud of himself. Where many students give up after failing the first time, he wanted to ensure that he would have his diploma. -Susan Gambale, Math Instructor, OBT*

Malik earned his GED diploma at the end of February, just five months after joining our program. For a student that required all 4 subject areas, this is quite the impressive feat. Another area where Malik has shined is as our intern. Malik has been given many projects over the last month and has risen to each challenge, impressing any staff he is charged with supporting. Here are a few reviews from staff at OBT that Malik has been supporting as our intern:

*Malik created a PowerPoint and presented "How to Obtain Employment" in front of his peers. He provided details and encouragement through his interaction. Malik has been a great asset. He is articulate, detail oriented and optimistic about life. He recently interviewed for an internship position with a staffing agency. The worksite supervisor loved his positive attitude and hopes to work with him. I'm proud of his overall progress in the program. -Lourdia Joseph-Augustin, Internship Manager, OBT*

*Malik assisted as an intern for the Customized Training Bootcamp. Each morning he provided the daily affirmation and facilitated the discussion that set the tone and energy for the training session. Each day he readily engaged in discussions and offered encouragement to others. -Serrina Goodman, Director of Business Partnerships and Customized Training, OBT*

Those are just a few examples but Malik has inspired both staff and peers alike. As his new counselor states, it is clear to us that he is most deserving of a second chance and the full team and I are in support of Malik having every opportunity to prove that he is not best summed up by his worst choice, but most importantly so by his ability to dig deep within and summon the fortitude to move forward with perseverance and positivity.

Thank you for your time.

Sincerely,

*Jessica Cuttone*

# EXHIBIT K



December 1, 2021

Dear Judge McMahon,

I am pleased to write a letter of support for Malik Sanchez. I have been a NYC Department of Education teacher for 26 years and in my career span, I have taught adolescents from various academic backgrounds who have experienced a lot of adversity in life.

Overall, having Malik Sanchez as a student in my Social Studies and Reading class has been a pleasant experience. Malik is a polite and considerate young man. He comes to class on time and completes all the assignments required. He always volunteers to read and shares his thoughts on various classroom topics in a respectful manner. I look forward to having Malik in my class each day for he brings a positive energy to the classroom environment. He is always prepared and takes pride in his work. Other students see his heartfelt work effort and it rubs off on them as well. He is great with classmates but most importantly, he has an inner zeal to learn.

Malik is also a reader. He loves to read books that teach him how to overcome challenges in life. Currently, he is reading *Make your Bed* by Admiral William H. McRaven. Without fail, he comes to class each day and shares snippets of what he has read and what the reading passage means to him. It is wonderful listening to him speak so fondly about the written word and seeing a genuine grin from ear to ear. Malik will also be part of our "Literary Book Salon" our school is hosting. He has been selected to lead the class in welcoming author Christine Pride to discuss her novel *We Are Not Like Them*. He is preparing questions to ask her about the process of writing a novel. He is very excited to meet a real-life author and can't wait to get his personal book autographed.

In closing, Malik is enthusiastic and excited to start the next chapter of his life. I feel that with the support he has been receiving, along with his newly focused and positive outlook, Malik will succeed and become a contributing member to society.

If you should have any other questions, please do not hesitate to reach out to me at [REDACTED] or you may email me at [REDACTED].

Sincerely,

  
Olga Economos, Teacher

# EXHIBIT L

January 21, 2022

The Honorable Colleen McMahon  
United States District Judge  
500 Pearl Street  
New York, NY 10007

Dear Judge McMahon:

I am writing this letter regarding Malik Sanchez. I work as an Occupational Skills Instructor at Opportunities for a Better Tomorrow (OBT). OBT is a Workforce program that also has a High School Equivalency component.

Malik was a student (9/13/21-11/4/21) in my remote classroom where I was preparing him to take the National Retail Federation (NRF) Examination in Customer Service and Sales. Additionally, he participated in my Financial Literacy classes. He had excellent attendance in my sessions. After completion of the classes, Malik continued to work towards his NRF Credential. The first time taking the exam he did not pass. However, he was determined to take the exam and obtain his credential, which he successfully did on December 2, 2021. Malik is bright, articulate, personable, and always participated actively in my sessions.

One day, Malik said to me after a session, "I heard you were ex-military." He proceeded to tell me that he wanted to join the Army as an 11B, which is Infantry. He wants to experience the structure and discipline of being in the military, and believes that it could be a fulfilling career. Ultimately, he wants to make his family proud.

Malik mentioned that his current legal situation was not resolved, and he was concerned that his court involvement would make it hard for him to enlist. He was determined to not let these obstacles stand in his way, so I advised him to speak with an Army Recruiter and to explain his situation.

I mentioned to him that if he was cleared to join the Army, he would need to take the ASVAB Exam (Armed Forces Vocational Aptitude Test), and that he may need to go to college and complete 15 credits before he could be allowed to be sworn in. Malik remained enthusiastic and is working to complete these goals. For example, I know he is working towards his High School Equivalency diploma.

I believe that if Malik were able to join the military, he would benefit from it. Malik reminds me of a student from 11 years ago. This ex-student straightened himself out; he is an E-7, attained a 3.9 GPA in his college classes, and went AIRBORNE. He recently received his Master's Degree, and will be teaching at the local university as an Adjunct Professor.

I don't know the severity of Malik's situation, nor at what age it occurred. I do know that sometimes individuals at young ages make certain decisions which warrant consequences. I also believe that if Malik pays his debt to society, he should be allowed to pursue a career and live a happy life.

So yes, I believe that individuals can turn themselves around and be highly successful when they put their heart and soul into it. The commitment and responsibility I've seen from Malik this year show me that he possesses this same ability.

If you have any questions, please feel free to contact me via email [REDACTED], or mobile [REDACTED].

Sincerely yours,

Pablo Sierra  
Occupational Skills Instructor

# EXHIBIT M



November 12th, 2021

Dear Honorable Judge,

On Thursday April 4th, 2019, Malik Sanchez was successfully accepted to **exalt**, a non-for-profit organization designed to help court-involved youth deviate from the criminal justice system through a highly-structured educational paid-internship program. **exalt** focuses on educational progression, employability and criminal justice system avoidance. Malik successfully graduated **exalt** on Friday August 9th, 2019 after completing a **Six Week Pre-Internship Training**, an **Two Month (8-Weeks) Internship Phase** and **2-Week Post-Internship Phase**.

Since graduating from **exalt** in 2019, Malik maintained his engagement with the organization through our **Alumni Program** where he continued to invest in his personal, educational, and professional development. Malik demonstrated such outstanding performance through his core-internship with **DoSomething.org**, that he was nominated and appointed a **Graduate Internship** opportunity in 2019-2020, which allowed him to deepen his professional exposure in the field of city governmental oversight, community upliftment and advocacy through an internship with the **Office of The New York City Comptroller**. He seemingly thrived in that professional setting and was mentored by a director of community actions until the COVID-19 pandemic started in early March of 2020.

In an effort to continue his personal and professional development while also sustaining a new and serious court case, in June 2021, Malik convened with the **Alumni Liaison** to speak about his status, goals and ideal progression in life. The Alumni Team and Malik then established a plan to re-engage with his TASC certifications and complete his High School Education. In fact, Malik took the initiative to enroll himself in-person at **Opportunities for a Better Tomorrow** in Brooklyn where he is excelling in his education and looks to graduate in December of this year. Additionally, he has registered and since attends a Petey Greene Tutoring Program on Wednesdays at the **exalt** office, where he receives tutoring support in math and the humanities. Malik is also engaged with college access support from a SUNY College Advisor given his interest in exploring SUNY and CUNY college options, submitting applications, and applying for financial aid.

Overall, Malik has exhibited positive optimistic energy about his future thus far; upon graduation he plans to take up the vocational trades of graphic and web design. While pursuing his goals as aforementioned, Malik has also shown devotion to the emerging generations of core students of **exalt** by highlighting his experiences in the spirit to motivate, encourage, and inform the younger cohorts about how to maximize their output in life and minimize contact with the penal system. Additionally, Malik has met with funders of **exalt** to speak about his personal experiences, how the alumni program has benefited him thus far, and also how it can be optimized for the better.

While Malik still has room for growth, we have witnessed the necessary indicators that have historically communicated to us a student's commitment to both his personal and professional development. The Alumni Liaison and Team will continue to work with Malik as he continues to progress towards his goals.

Should you require additional information on Malik's performance in **exalt**, or need more information about our program, we would welcome an opportunity to meet or speak with you. Please feel free to contact me at [REDACTED] or at [REDACTED]. I also encourage you to visit us on the web at [www.exaltyouth.org](http://www.exaltyouth.org) for more information about our program.

Sincerely,

**IkimShamarPowell**

Ikim Shamar Powell,  
Alumni Liaison and Instructor  
17 Battery Place. Suite 307  
Manhattan, NY 10004  
Mobile [REDACTED]